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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,524	01/02/2004	Charles Cameron Brackett	CRNC.110413	8682
46169 7590 10/02/2007 SHOOK, HARDY & BACON L.L.P. Intellectual Property Department 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER TIMBLIN, ROBERT M	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/749,524	Applicant(s) BRACKETT ET AL.	
	Examiner Robert M. Timblin	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action corresponds to application 10/749,524 filed 1/2/2004.

Response to Amendment

Claims 1, 5-8, 12-15, 22 and 28 have been amended and claim 29 has been added. Accordingly, claims 1-29 have been examined and are pending prosecution.

Claim Rejections - 35 USC § 101

Claim 28 is rejected under 35 U.S.C. 101 because it is directed towards a product and a process in the same claim. Specifically, claim 28 overlaps two statutory classes of invention (i.e. a manufacture and process) when 35 USC 101 requires that an invention may only be drafted towards a statutory class in the alternative only. See MPEP 2173.05 (II).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-13, and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Minyard et al. ('Minyard')(US 6,891,920 B1).

With respect to claim 1, Minyard teaches a computerized method for managing large studies (abstract) transferred from at least one acquisition device (102,106) to a study process server (104) in order to transfer the studies to at least one review station (110), the method comprising:

without having previously distributed the studies (patient/image information) to a review station (col. 3 line 18-20; i.e. preprocessing prior to initial review) Minyard discloses preprocessing images prior to initial review), sorting each received study into at least one appropriate working set (col. 6 line 14-32; i.e. Minyard teaches acquiring images and indexing, or sorting, them into a database to suggest sorting the studies) and selecting at least one subset of the received studies from at least one working set (col. 3 line 54-64, i.e. retrieving an anticipated sequence for review); and

automatically distributing (col. 3 line 64-col. 4 line 6, col. 7 line 8-12) the at least one selected subset of studies (anticipated sequence of image information) to at least one review station (110) such that the at least one selected subset of studies is available on demand (col. 8 line 22; i.e. prompting for information) for review by a physician (col. 3 line 35-37 and line 56-58).

With respect to claim 2, Minyard teaches the method of claim 1, further comprising distributing the selected subset of studies to each review station (figure 1, elements 104 and 110).

With respect to claim 3, Minyard teaches the method of claim 1, further comprising implementing a predictive algorithm to identify a set of review stations and distributing the

selected at least one subset of studies to the identified review stations (col. 3 line 50-col. 4 line 6, col. 7 line 5-12, and col. 8 line 8-29).

With respect to claim 4, Minyard teaches the method of claim 1, further comprising continuously monitoring a review station to determine if a distributed study has been completed and removing the study from an associated working set after the study has been completed (col. 8 line 25-27 and col. 14 line 35-39; i.e. Minyard discloses monitoring acquisition and review processes).

With respect to claim 5, Minyard teaches the method of claim 4, further comprising deleting the completed study from some or all review stations (col. 14 lines 28-42; i.e. removing entire workflow).

With respect to claim 6, Minyard teaches the method of claim 1, further comprising after distributing the at least one selected subset of studies to at least one review station (col. 7 line 32-33), monitoring each review station for selected user activities and populating at least one monitored review station with additional studies (col. 14 line 38-41) from one or more relevant working sets upon detecting the detecting one of the selected user activities (monitoring in col. 8 line 25-30, and importing of col. 14 line 65 – col. 15 line 10).

With respect to claim 8, Minyard teaches a system for managing large studies transferred from at least one acquisition device to a study process server in order to transfer the studies to at

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least one review station, the system comprising one or more computer-readable media having a plurality of modules embodied thereon, the plurality of modules comprising:

a study sorting module (col. 6 line 14-32)) for sorting each study (col. 6 line 14-32; i.e. Minyard teaches acquiring images and indexing, or sorting, them into a database to suggest sorting the studies) received by the study process server (104) into at least one appropriate working set (106, 108);

a study control module (col. 3 line 51-53; i.e. an image system to prepare images for a review process) for automatically selecting at least one subset of studies (col. 3 lines 55-56; i.e. obtaining an anticipated sequence) from at least one working set (106, 108) without user input (col. 3 line 13-15); and

a study distribution module (104) for automatically distributing (col. 3 line 64-col. 4 line 6, col. 7 line 8-12) the selected at least one subset of studies (anticipated sequence of image information) to at least one selected review station (110 and col. 14 line 67-col. 15 line 1) such that the at least one selected subset of studies is available on demand (col. 8 line 22; i.e. prompting for information) for review by a physician (col. 3 line 35-37 and line 56-58).

With respect to claim 9, Minyard teaches the system of claim 8, wherein the study distribution module (104) distributes the selected subset of studies to each review station (figure 1, elements 104 and 110).

With respect to claim 10, Minyard teaches the system of claim 8, further comprising a predictive algorithm for identifying a set of review stations and distributing the selected at least

one subset of studies to the identified review stations (col. 3 line 50-col. 4 line 6, col. 7 line 5-12, and col. 8 line 8-29).

With respect to claim 11, Minyard teaches the system of claim 8, wherein the study control module continuously monitors a review station to determine if a distributed study has been completed and removing the study from an associated working set after the study has been completed (col. 8 line 25-27 and col. 14 line 35-39; i.e. Minyard discloses monitoring acquisition and review processes).

With respect to claim 12, Minyard teaches the system of claim 11, wherein the study control module includes controls for deleting the completed study from some or all review stations in response to determining that the study has been completed (col. 14 lines 28-42; i.e. removing entire workflow).

With respect to claim 13, Minyard teaches the system of claim 8, wherein the study control module includes controls for monitoring each review station (110) for selected user activities after the study distribution module (104) has distributed the selected at least one subset of studies to at least one selected review station (col. 7 line 32-33); and

wherein the study distribution module (104) populates at least one monitored review station with additional at least one relevant working sets upon detecting the selected user activities (monitoring in col. 8 line 25-30, and importing of col. 14 line 65 – col. 15 line 10).

With respect to claim 28, Minyard teaches one or more computer-readable media embodying computer useable instructions for performing a computerized method for managing the transfer of studies to a plurality of review stations, wherein the studies are grouped into a plurality of working sets, the method comprising:

automatically selecting (col. 3 line 54-64) at least one subset of studies from at least one working set (col. 3 line 54-64, i.e. retrieving an anticipated sequence from the database for review); and

automatically distributing (col. 3 line 64-col. 4 line 6, col. 7 line 8-12) at least one subset of studies (anticipated sequence of image information) to each of the plurality of review stations (110) such that at least one subset of studies is available on demand (col. 8 line 22; i.e. prompting for information) for review by a user at each of the plurality of review stations (col. 3 line 35-37 and line 56-58 and col. 14 line 67-15 line 1 and 110 of figure 1);

monitoring the plurality of review stations for one or more selected user activities (monitoring acquisition and review processes in col. 8 line 25-30, and importing of col. 14 line 65 – col. 15 line 10); and

upon detecting at least one of the one or more selected user activities (i.e. receiving a prompt) at a review station selected by a user (col. 14 line 67-15 line 1), transferring additional studies to the selected review station (col. 14 line 35-41; i.e. starting another workflow sequence).

With respect to claim 29, Minyard teaches the one or more computer-readable media of claim 28, wherein automatically selecting (col. 3 line 54-64) at least on subset of studies from at

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least one working set (col. 3 line 54-64, i.e. retrieving an anticipated sequence from the database for review) comprises automatically selecting at least one subset of studies from at least one working (106) set comprises automatically selecting at least one subset of studies from each of the plurality of working sets (106, 108) to provide a plurality of subsets of studies (i.e. patient information), and wherein automatically distributing (col. 3 line 64-col. 4 line 6, col. 7 line 8-12) at least one subset of studies to each of the plurality of review stations comprises automatically distributing (col. 3 line 64-col. 4 line 6, col. 7 line 8-12) the plurality of subsets of studies to each of the plurality of review stations (110).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minyard as applied to claims 1-6, 8-13, and 28-29 above in view of Fuller (US 2005/0050552 A1).

With respect to claims 7 and 14, Minyard fails to teach monitoring each review station for a low buffer threshold and re-populating any review station reaching the low buffer threshold with at least one additional subset of studies.

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Fuller, however, teaches this limitation as checking the amount of data in a data queue, and if the amount is lower than a pre-selected threshold, the queue is populated with new data (0019 and figure 3) to ensure requested data are available for immediate delivery.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Fuller's system would have provided Minyard's invention with enhancing the likelihood that the requested data are available for immediate delivery (Fuller, 0004). Minyard could have used such a method to further reduce workflow delay (Minyard, abstract).

Claim 14 contains essentially the same subject matter as claim 7 and therefore the rejection of claim 7 applies equally well to claim 14.

Claims 15-20 and 22-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Minyard in view of Rothschild et al. ('Rothschild') (US 2002/0016718 A1).

With respect to claim 15 and similar claim 27, Minyard teaches a computerized method for managing studies transferred from at least one acquisition device to a study process server in order to transfer the studies to at least one review station, the method comprising:

automatically transferring (col. 3 line 65-col. 4 line 3) a selected subset of the existing studies (anticipated sequence; col. 3 line 55-60) to at least one review station (110) such that the at least one selected subset of studies (anticipated sequence; col. 3 line 55-60) is available for review (col. 4 line 4-6, and col. 8 line 20-22; i.e. Minyard discloses transferring image information to store upon receiving a prompt);

Minyard does not expressly teach monitoring the at least one review station for a login and populating the at least one review station with additional studies from at least one relevant working set upon detecting the login.

Rothschild, however, teaches monitoring each selected review station for a login as a remote workstation polling for data upon the occurrence of a predetermined triggering event (i.e. a log in event) for detecting a log in (0085-0086).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rothschild would have allowed Minyard's invention to detect a log in. As only authorized users may use Minyard's system (col. 15 line 5-10, Minyard), Rothschild's method to detect a log in would have been beneficial for monitoring acquisition and review processes in a review session for a physician (col. 3 line 55-60, Minyard) to reduce workflow delay. Further, detecting a login from Rothschild would make obvious to populate the review station with additional studies from at least one relevant working set for the benefit of making image information available (col. 3 line 7-10, Minyard) for review and thus reducing workflow delay as Minyard is concerned with.

Claim 27 contains essentially the same subject matter (i.e. detecting a login) and therefore the rejection of claim 15 applies equally well to this claim.

With respect to claim 16, Minyard teaches the method of claim 15, further comprising selected all review stations distributing the selected subset of studies to all review stations (figure 1, elements 104 and 110).

With respect to claim 17, Minyard teaches the method of claim 15, further comprising implementing a predictive algorithm to identify a set of review stations and distributing the selected subset of studies to the identified review stations (col. 3 line 50-col.4 line 6, col. 7 line 5-12, and col. 8 line 8-29).

With respect to claim 18, Minyard teaches the method of claim 15, further comprising continuously monitoring the populated review stations to determine if a distributed study has been completed (col. 8 line 25-27 and col. 14 line 35-39).

With respect to claim 19, Minyard teaches the method of claim 18, further comprising and deleting the study from the populated review stations after the study has been completed (col. 14 lines 28-41).

With respect to claim 20, the combination of Minyard and Fuller fail to teach monitoring each review station for a login and populating each monitored review station with studies from a relevant working set upon detecting the login.

Rothschild, however, teaches monitoring each review station for a login and populating each monitored review station with studies from a relevant working set upon detecting the login (0085-0086) for detecting a log in and polling for data.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rothschild would have allowed Minyard/Fuller's invention to detect a log in. As only authorized users may

use Minyard's system (col. 15 line 5-10, Minyard), Rothschild's method to detect a log in would have been beneficial for monitoring acquisition and review processes in a review session for a physician (col. 3 line 55-60, Minyard).

With respect to claim 22, Minyard teaches a system for managing studies transferred from at least one acquisition device to a study process server in order to transfer the studies to at least one review station, the system comprising one or more computer-readable media having a plurality of modules embodied thereon, the modules comprising:

a study distribution module (104) for automatically transferring (col. 3 line 65-col. 4 line 3) a selected subset of the studies to at least one review station such that the selected subset of the existing studies (anticipated sequence; col. 3 line 55-60) is available for review; and

a study control module for monitoring each review station (col. 8 line 25-27 and col. 14 line 35-39; i.e. Minyard discloses monitoring acquisition and review processes),

Minyard does not expressly teach monitoring the at least one review station for a login and populating the review stations with additional studies from at least one relevant working set upon detection of the login.

Rothschild, however, teaches monitoring each selected review station for a login as a remote workstation polling for data upon the occurrence of a predetermined triggering event (i.e. a log in event) for detecting a log in (0085-0086).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rothschild would have allowed Minyard's invention to detect a log in. As only authorized users may use

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Minyard's system (col. 15 line 5-10, Minyard), Rothschild's method to detect a log in would have been beneficial for monitoring acquisition and review processes in a review session for a physician (col. 3 line 55-60, Minyard) to reduce workflow delay. Further, detecting a login from Rothschild would make obvious for Minyard to populate the review station with additional studies from at least one relevant working set for the benefit of making image information available (col. 3 line 7-10, Minyard) for review and thus reducing workflow delay as Minyard is concerned with.

With respect to claim 23, Minyard teaches the system of claim 22, wherein the study control module further comprises controls for selecting all review stations and the study distribution module distributes the selected subset of studies to all review stations (figure 1, elements 104 and 110).

With respect to claim 24, Minyard teaches the system of claim 22, further comprising a predictive algorithm for identifying a set of review stations, such that the study distribution model distributes the selected subset of studies to the identified review stations (col. 3 line 50-col.4 line 6, col. 7 line 5-12, and col. 8 line 8-29).

With respect to claim 25, Minyard teaches the system of claim 22, wherein the study control module further comprises controls for continuously monitoring the populated review stations to determine if a distributed study has been completed (col. 8 line 25-27 and col. 14 line 35-39).

With respect to claim 26, Minyard teaches the system of claim 25, wherein the study control module further comprises controls for deleting the study from the populated review stations after the study has been completed (col. 14 lines 28-41).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Minyard and Rothschild as applied to claims 15-20 and 22-27 above and further in view of Fuller.

With respect to claim 21, the combination of Minyard and Rothschild fail to expressly teach monitoring each review station for a low buffer threshold and re-populating any review station reaching the low buffer threshold.

Fuller, however, teaches monitoring each review station for a low buffer threshold and re-populating any review station reaching the low buffer threshold as checking the amount of data in a data queue, and if the amount is lower than a pre-selected threshold, the queue is populated with new data (0019 and figure 3) to ensure requested data are available for immediate delivery.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Fuller's system would have provided Minyard's invention with enhancing the likelihood that the requested data are available for immediate delivery (Fuller, 0004). Minyard could have used such a method to further reduce workflow delay (Minyard, abstract).

Response to Arguments

Applicant's arguments filed 7/30/2007 have been fully considered but they are not persuasive.

Applicant argues on page 11 of the response that Minyard fails to describe "without having previously distributed the studies to a review station, sorting each received study into at least one appropriate working set and selecting at least one subset of the received studies from at least one working set" as stated in claim 1. The Examiner respectfully disagrees as provided below:

The Examiner submits that Minyard teaches a method and system for enhancing the workflow processes of acquiring and distributing digital image information (abstract, Minyard). Upon acquiring the image information, it is indexed to patient information that is organized in tables of a database (correlating to Applicant's working set because it contains information regarding the patient and studies; col. 6 lines 26-33). Therefore, it is suggested by Minyard that as images are required, they are stored according to the organized patient data (i.e. sorted to the corresponding patient). Further, the images are acquired from acquisition stations 102 and subsequently indexed to patient information without user interaction. Put another way, the image data is acquired and stored without being distributed to review stations 110. See figure 1 and col. 6 lines 14-32 wherein Minyard teaches acquiring and storing image information. Furthermore in column 7 lines 44-46, Minyard discloses automatically, upon receiving an acquired image, storing that image (i.e. before it is distributed to a review station).

Further, and with respect to the argument (page 11 of response) that Minyard does not describe without having previously distributed the studies to a review station, selecting at least one subset of the received studies from at least one working set, the Examiner disagrees for reasons set forth in the rejection above. Further explained, Minyard teaches anticipating a sequence for an image review session by a physician. This process is accomplished by obtaining image information (i.e. a subset of the working set) corresponding to the anticipated sequence review session. To determine the anticipated sequence, Minyard may use a review protocol for a particular physician, a type of medical process, or predictive criteria (col. 3 lines 59-64). Minyard exemplifies protocols for a particular physician (col. 8 line 25-29) and predictive algorithms (col. 8 lines 9) to anticipate the needs the needs of a physician.

In summary, Minyard teaches anticipating the needs of a physician (to suggest without having previously distributed the studies to a review station) to improve workflow and availability of information. The anticipated sequence that is received for a particular physician is based upon certain protocols and/or predictive criteria, therefore suggesting that a subset is retrieved from the database (i.e. working set).

Applicant then argues that Minyard does not teach “automatically distributing the at least one selected subset of studies to at least one review station such that the at least one selected subset of studies is available on demand for review by a physician” as recited in claim 1. The Examiner respectfully disagrees because the predictive logic of Minyard’s system allows the server 104 to predicatively retrieve images (i.e. subset) for prompt display during a review session (Minyard at col. 7 lines 8-12). Minyard further discloses the identified information is

then transferred to a review platform so that they are available for rapid display (col. 4 line 1-6). Minyard also suggests "...available on demand..." when it is disclosed that a physician may prompt for information (col. 8 line 22).

With respect to the argument (page 13 of response) that Minyard does not describe "a study control module for automatically selecting at least one subset of studies from at least one working set without user input" stated in claim 8, the Examiner respectfully disagrees for the rationale provided in the response to arguments of claim 1 (i.e. selecting at least one subset of studies from at least one working set without user input). Further, the response to the argument of claim 1 that Minyard fails to "a study distribution module for automatically distributing the at least one selected subset of studies to at least one review station such that the at least one selected subset of studies is available on demand for review by a physician" applies equally well to claim 8. Furthermore, Minyard discloses, "...automatically selecting... without user input" when they teach creating an anticipated sequence prior to review by a physician (col. 3 lines 35-36 and lines 55-60).

The Applicant argues on page 14 of the response that Minyard fails to disclose "automatically distributing a subset of studies to a plurality of review stations such that the studies are available on demand for review by a physician at each review station." The Examiner respectfully disagrees as presented in the previous arguments. Further, Minyard suggest that the studies may be available for each of the review stations (figure 1) to teach that the studies are available on demand for review by a physician at each of the review stations.

Additionally Minyard teaches monitoring a plurality of review stations (col. 8 line 25-30) for selected user activities (e.g. acquisition and review processes). Further, Minyard teaches transferring additional studies when they disclose starting a new workflow sequence (col. 14 lines 35-41).

Applicant argues on page 16 of the response that there is no suggestion or motivation to combine the Minyard and Fuller references in the rejection of claims 7 and 14. The Examiner disagrees because It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Fuller's system would have provided Minyard's invention with enhancing the likelihood that the requested data are available for immediate delivery (Fuller, 0004). Minyard could have used such a method to further reduce workflow delay (Minyard, abstract).

Further, it would have beneficial to combine Fuller to Minyard as Minyard is concerned with keeping images and image data available for rapid display (col. 4 line 4-6). As Minyard is also concerned with reducing loading and delay times (again in col. 4 line 4-6) of *large* image files, Fuller would greatly benefit Minyard's system by way of keeping data available for immediate delivery and thus further reduce load and delay time of image data.

Applicant states that Fuller is not concerned with processing and delivering data in a network environment. In sharp contrast, the Examiner contends that Fuller is directly concerned with processing and delivering data in a network environment. For example, figure 2 of Fuller illustrates a computer (i.e. a review station of Minyard) receiving data from a network (last 2 lines of 0017 of Fuller), and therefore discusses transferring information over a network. If one

of ordinary skill of data processing would have taken Minyard's system, and apply the monitoring and repopulating of a buffer as found in Fuller, then the large image files (data) would be available and ready for rapid display to optimize the loading and delay times associated with large image files. Further, populating a queue with new data teaches the claimed repopulating with at least one additional subset of studies.

Applicant argues (page 19-20 and heading C of response) that Minyard and Rothschild do not disclose populating a review station with additional studies from a working set upon detecting a login as recited in claim 15. The Examiner however disagrees as this limitation is taught in the rejection above. In particular, Minyard teaches transferring the images to a review station (i.e. being pre-populated) so that they are available for rapid display (col. 4 line 1-6), and further that these images may be automatically retrieved or otherwise stored in caches at station 110 (col. 7 line 31-33). Minyard also teaches monitoring user activities at a review station (col. 8 lines 25-29). Minyard fails to explicitly teach detecting a login at a review station. Rothschild, however, teaches monitoring for a log in activity (paragraph 0085). That is, Rothschild discloses polling for data upon a triggering event (such as a log in). It would have been beneficial for Minyard to poll for data (i.e. additional studies) upon detection of a login for improvements in a workflow and thus minimizing load time and delay of retrieving images.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

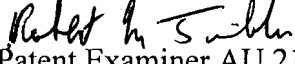
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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